

**BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

IRA ARTHELL NEIGHBORS

Licensed Clinical Social Worker License No. LCSW 12020

Respondent.

Agency Case No. 200-2020-001958

OAH No. 2022020356

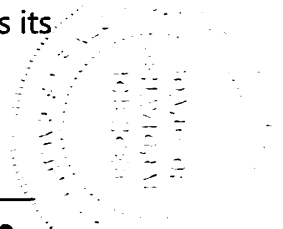
DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Behavioral Sciences Department of Consumer Affairs as its Decision in the above-entitled matter.

This Decision shall become effective on January 5, 2023

IT IS SO ORDERED this 6th day of December, 2022

By: _____



**BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

IRA ARTHELL NEIGHBORS

Licensed Clinical Social Worker License No. LCSW 12020

Respondent.

Agency Case No. 200-2020-001958

OAH No. 2022020356

PROPOSED DECISION

Carmen D. Snuggs-Spraggins, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on August 8, 2022.

Sheronda Edwards, Deputy Attorney General, represented complainant Steve Sodergren, Executive Officer, Board of Behavioral Sciences (Board), Department of Consumer Affairs (Department), State of California. Respondent Ira Arthell Neighbors (Respondent) appeared and represented himself.

Oral and documentary evidence was received. The record closed and the matter was submitted for decision on August 8, 2022.

Motion for Continuance

Prior to the commencement of the hearing, Respondent made an oral motion for a continuance on the grounds that he had surgery on July 22, 2022, he was prescribed oxycodone for pain, and he still experienced pain "from time to time." The ALJ denied the continuance request on the grounds that Respondent had failed to comply with Government Code section 11524 and California Code of Regulations, title 1, section 1020, subdivisions (b) and (d), in that the motion was untimely and good cause was not established.

FACTUAL FINDINGS

Jurisdictional Matters

1. On May 14, 1986, the Board issued Licensed Clinical Social Worker License Number LCSW 12020 to Respondent. Respondent's LCSW license expired on January 31, 2022. The expiration of the license, however, does not deprive the Board of jurisdiction to institute proceedings or to render a decision to discipline the license. (Bus. & Prof. Code, § 4990.33.)

2. On December 1, 2021, Complainant filed the Accusation in his official capacity. Respondent timely filed a Notice of Defense and this hearing ensued.

3. All jurisdictional requirements have been met.

///

Conviction

4. On June 17, 2021, in the Superior Court of California, County of San Bernardino, case number MSB20010874, Respondent was convicted on his plea of no contest to violating Vehicle Code Section 23152, subdivision (b), driving under the influence of alcohol with a blood alcohol concentration of .08 percent or more, a misdemeanor. The court placed Respondent on summary probation for 36 months on the following terms and conditions: serve 10 days in the County Jail with eligibility for the weekend/work release program and credit for two days actual time served; report to Glen Helen Rehab Center by July 30, 2021; successfully complete an alcohol first offender (AB541) alcohol education program by December 31, 2021; and pay fines and fees in the amount of \$1,923 (Respondent was ordered to pay \$65.00 per month beginning July 30, 2021, towards this amount).

5. The facts and circumstances underlying Respondent's conviction are that on January 27, 2020, Respondent, while under the influence of alcohol, drove and collided with another vehicle at a stop light. The traffic collision reports describing Respondent's arrest were admitted into evidence as Exhibits 4 and 5 pursuant to the to the California Supreme Court's decision in *Lake v. Reed* (1997) 16 Cal.4th 448. One of the police officers dispatched to the traffic collision noticed symptoms of alcohol intoxication while speaking with Respondent. Witnesses informed law enforcement officers that before the accident, Respondent struck a parked vehicle and drove away from the scene. One of the witnesses followed Respondent. After the collision at the intersection, the witness pulled Respondent out of his vehicle and restrained him until law enforcement officers arrived. Respondent failed standardized field sobriety tests and was arrested. Respondent chose to complete a blood test. A March 5, 2020 Report on the Examination of Blood for Ethyl Alcohol prepared by the San Bernardino County

Sheriff's Department's Scientific Investigations Division indicates that Respondent's blood alcohol content was .17 percent but does not indicate the presence of cannabinoids.

Board Investigation

6. On January 29, 2020, the Department of Justice notified the Board that Respondent was arrested on January 27, 2020, for driving under the influence and for hit and run with property damage. The Board's investigator obtained a copy of the arrest report and a copy of the superior court proceedings. On February 9, 2021, the Board mailed Respondent a letter requesting the details of the circumstances underlying his arrest, rehabilitation efforts and a certified copy of the court documents. On March 9, 2021, Respondent notified the Board that his case was still pending and provided the Board with a certificate of completion for a Driver Responsibility Cognitive Life Skills Course.

Respondent's Evidence

7. Respondent is 75 years old. He began working in the social work field in 1966. He obtained a bachelor's degree in psychology, a Master of Social Work (MSW) in 1981, another master's degree in 1983 with a concentration in administration, and a doctorate degree in 1990. Respondent has worked with individuals with developmental disabilities, the mentally ill, and criminal defendants. He also created, developed, and taught the first forensic social work course at California State University San Bernardino. Respondent retired from Southern University in January 2020, after serving as a professor and dean of graduate studies. He was also served as the endowed chair in human rights in social work.

///

8. Respondent has not used his LCSW license since 1994 but had kept it current.

9. Respondent admitted to driving under the influence of alcohol on January 27, 2020. He asserted that his best friend passed away just prior to that date, and he consumed alcohol at home to cope with being asked to give the eulogy at the funeral service. Respondent testified that he "had no business driving" and expressed regret for doing so. He contends that he learned his lesson and has not driven while under the influence of alcohol since that date.

10. Respondent stated he learned a lot from the driving under the influence class in terms of what not to do and the fact that he could have killed himself and others. He also described the consequences of his conduct in terms of spending time in jail and the pain he caused his family. Respondent testified that his driver's license was suspended following his conviction but has been reinstated. He also testified that he completed the driving under the influence (DUI) training and has not missed a payment to the court. The record is unclear as to any balance remaining on the court-ordered fines and fees.

11. Respondent stated that he does not have the means to pay the Board's costs of investigation and enforcement. He explained that he is facing foreclosure, he receives \$12,00 per year from social security and a small pension and has difficulty buying food.

12. Delma Lee, Respondent's niece, testified on Respondent's behalf. She asserted that Respondent has granted her power of attorney to make decisions for him in the event he becomes incapacitated. Ms. Lee described Respondent as being a good social worker and she has attended awards ceremonies where Respondent was

commended for his work in the field of social work. She stated that Respondent has learned his lesson from suffering his arrest and conviction and expressed belief that Respondent will not drink and drive in the future. Ms. Lee also stated that Respondent is facing homelessness and is unable to pay the Board's costs.

Costs

13. The Board has incurred \$4,767.50 in prosecution costs in this matter. The costs are reasonable.

LEGAL CONCLUSIONS

1. Business and Professions Code section 490 authorizes the Board to suspend or revoke a license if the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Further references to statute are to the Business and Professions Code unless otherwise stated.

2. Section 4992.3 provides that:

The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if the licensee or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be

conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter is a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

[¶] . . . [¶]

(c) Administering to themselves any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a

registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny application for a registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under the person's care.

[¶] . . . [¶]

3. California Code of Regulations, title 16, section 1812, subdivision (a), provides:

For purposes of denial, suspension, or revocation of a license pursuant to Section 141, Division 1.5 (commencing with Section 475), or Section 4982, Section 4989.54, Section 4992.3, or Section 4999.90 of the Code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under Chapters 13, 13.5, 14, and 16 of Division 2 of the Code if to a substantial degree it evidences present or potential unfitness of a

person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. For purposes of this section, "license" shall mean license or registration.

Cause for Discipline

4. Cause exists pursuant to sections 490 and 4992.3, subdivision (a), to discipline Respondent's license because he suffered a conviction for driving while under the influence of alcohol with a blood alcohol content of .08 or more, which is a crime substantially related to the qualifications, functions, and duties of a Board licensee, as set forth in Factual Finding numbers 4, 5 and 9.

5. Cause exists pursuant to section 4992.3, subdivision (c), to discipline Respondent's license, on the grounds of unprofessional conduct, because he used alcoholic beverages to an extent and in a manner dangerous or injurious to himself and others, as set forth in Factual Findings numbers 4, 5, and 9.

6. Cause does not exist pursuant to Business and Professions Code section 4992.3, subdivision (c), to discipline Respondent's license, on the grounds of unprofessional conduct, because he used a controlled substance, i.e. cannabinoids, to an extent and in a manner dangerous or injurious to himself and others, as set forth in Factual Finding 5.

7. The Board has developed written guidelines for license discipline matters, referred to in California Code of Regulations, title 16, section 1888, and titled: "Uniform Standards Related Guidelines to Substance Abuse and Disciplinary Guidelines, (rev. 12/20)," referred to as the Guidelines. Under this Regulation, the Board is to consider the Guidelines in reaching decisions in disciplinary matters. These proceedings are not

for the primary purpose of punishing an individual. (*Camacho v. Youde* (1979) 95 Cal.App.3d 161, 165.) Rather, in disciplining licenses, a state agency is primarily concerned with protection of the public, maintaining the integrity and high standards of the profession, and preserving public confidence in licensure. (*Ibid.*; see *Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817.) The minimum penalty for an LCSW licensee who violates sections 4992.3, subdivision (a) is revocation stayed, actual suspension for 60 days, probation for five years with standard and optional conditions. The Guidelines outline the minimum and maximum penalty for violation of section 4992.3, subdivision (c), under the categories of "Impaired Ability to Function Safely Due to Mental Illness or Physical Illness Affecting Competency or Chemical Dependency" and "Chemical Dependency/Use of Drugs With Client While Performing Services," but does not address general unprofessional conduct due to dangerous use of drugs. (Ex. 10, p. A88.) As such, the minimum and maximum penalties for general unprofessional conduct, section 4992.3, is considered. The minimum penalty is revocation stayed, 60-90 days actual suspension, probation for five years, and optional and standard conditions.

8. All evidence offered in support of continued licensure has been considered in context of the Guidelines and the purposes of disciplinary proceedings. Respondent's alcohol related conviction is serious, and he remains on probation as of the date of hearing. However, Respondent has been licensed by the Board for more than three decades with no history of discipline, he is sincere in his remorse, and has complied with his criminal probation. The impact that Respondent's conviction has had on his life, the absence of similar prior conduct, and the circumstances underlying Respondent's conviction make it unlikely that incidents like the one that led to the conviction will recur. Considering the evidence of mitigation and rehabilitation

presented by Respondent, deviation from the Guidelines is warranted and following order is sufficient for the protection of the public.

Costs

9. Cause exists to order Respondent to pay the Board's reasonable costs of investigation and enforcement pursuant to section 125.3, by reason of Factual Finding 12.

10. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the Supreme Court rejected a constitutional challenge to a cost recovery provision similar to section 125.3. In so doing, however, the Court directed the administrative law judge and the agency to evaluate several factors to ensure that the cost recovery provision did not deter individuals from exercising their right to a hearing. Thus, the Board must not assess the full costs where it would unfairly penalize the respondent who has committed some misconduct, but who has used the hearing process to obtain the dismissal of some charges or a reduction in the severity of the penalty; the Board must consider a respondent's subjective good faith belief in the merits of his or her position and whether the respondent has raised a colorable challenge; the board must consider a respondent's ability to pay; and the board may not assess disproportionately large investigation and prosecution costs when it has conducted a disproportionately large investigation to prove that a respondent engaged in relatively innocuous misconduct. (*Zuckerman*, supra at 45.)

11. In this case, the actual costs of investigation and enforcement of this matter are \$4,767.50 as set forth in Factual Finding 12. However, considering Respondent's ability to pay, a significant reduction from the actual costs and allowing

installment payments are appropriate. Therefore, the reasonable costs of investigation and enforcement are \$500.

ORDER

Licensed Clinical Social Worker License Number LCSW 12020 issued to Respondent Ira Arthell Neighbors is revoked; provided, however, that the revocation shall be stayed for a period of three years on the following terms and conditions.

1. Obey All Laws. Respondent shall obey all federal, state, and local laws, all statutes and regulations governing the licensee, and remain in full compliance with any court ordered criminal probation, payments, and other orders. A full and detailed account of any and all violations of law shall be reported by the Respondent to the Board or its designee in writing within 72 hours of occurrence. To permit monitoring of compliance with this term, Respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days of the effective date of the decision, unless previously submitted as part of the licensure application process. Respondent shall pay the cost associated with the fingerprint process.

2. File Quarterly Reports. Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury whether he has been in compliance with all the conditions of probation. Notwithstanding any provision for tolling of requirements of probation, during the cessation of practice Respondent shall continue to submit quarterly reports under penalty of perjury.

///

3. Comply with Probation Program. Respondent shall comply with the probation program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the program.

4. Interviews with the Board. Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

5. Failure to Practice. In the event Respondent stops practicing in California, Respondent shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Non-practice is defined as any period of time exceeding thirty calendar days in which Respondent is not engaging in any activities defined in sections 4908.02, 4989.14, 4996.9, or 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this condition, will not apply to the reduction of the probationary term, and will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; File Quarterly Reports; Comply with Probation Program; Maintain Valid License/Registration; and Cost Recovery. Respondent's license/registration shall be automatically cancelled if Respondent's period of non-practice total two years.

7. Change of Place of Employment or Place of Residence. Respondent shall notify the Board or its designee in writing within 30 days of any change of place of employment or place of residence. The written notice shall include the address, the telephone number, and the date of the change.

8. Supervision of Unlicensed Persons. While on probation, Respondent shall not act as a supervisor for any hours of supervised practice required for any license issued by the Board. Respondent shall terminate any such supervisorial relationship in existence on the effective date of this Decision.

9. Notification to Clients. Respondent shall notify all clients when any term or condition of probation will affect their therapy or the confidentiality of their records, including but not limited to supervised practice, suspension, or client population restriction. Such notification shall be signed by each client prior to continuing or commencing treatment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

(FYI: Respondents should seek guidance from Board staff regarding appropriate application of this condition).

10. Notification to Employer. Respondent shall provide each of his current or future employers, when performing services that fall within the scope of practice of his or license, a copy of this Decision and the Accusation before commencing employment. Notification to the Respondent's current employer shall occur no later than the effective date of the Decision or immediately upon commencing employment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

11. Violation of Probation. If Respondent violates the conditions of his probation, the Board, after giving Respondent notice and the opportunity to be heard, may set aside the stay order and impose the discipline (revocation/suspension) of Respondent's license provided in the decision.

///

If during the period of probation, an accusation, petition to revoke probation, or statement of issues has been filed against Respondent's license or application for licensure, or the Attorney General's office has been requested to prepare such an accusation, petition to revoke probation, or statement of issues, the probation period set forth in this decision shall be automatically extended and shall not expire until the accusation, petition to revoke probation, or statement of issues has been acted upon by the board. Upon successful completion of probation, Respondent's license shall be fully restored.

12. Maintain Valid License/Registration. Respondent shall, at all times while on probation, maintain a current and active license/registration with the Board, including any period during which suspension or probation is tolled. Should Respondent's license, by application of law or otherwise, expire, upon renewal Respondent's license shall be subject to any and all terms of this probation not previously satisfied.

13. License Surrender. Following the effective date of this decision, if Respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, Respondent may voluntarily request the surrender of his license to the Board. The Board reserves the right to evaluate the Respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 30 calendar days deliver Respondent's license and certificate and if applicable wall certificate to the Board or its designee and Respondent shall no longer engage in any practice for which a license is required. Upon formal acceptance of the tendered

license, Respondent will no longer be subject to the terms and conditions of probation.

Voluntary surrender of Respondent's license shall be considered to be a disciplinary action and shall become a part of Respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered license. Should Respondent at any time after voluntary surrender ever reapply to the Board for licensure/registration Respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

14. Instruction of Coursework Qualifying for Continuing Education. Respondent shall not be an instructor of any coursework for continuing education credit required by any license issued by the Board.

15. Notification to Referral Services. Respondent shall immediately send a copy of this decision to all referral services registered with the Board in which Respondent is a participant. While on probation, Respondent shall send a copy of this decision to all referral services registered with the Board that Respondent seeks to join.

16. Reimbursement of Probation Program. Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period. Reimbursement costs shall be determined by the Board.

17. Cost Recovery. Respondent shall pay the Board \$500 as and for the reasonable costs of the prosecution of Case No. 200-2020-001958. Respondent shall

make such payments based on a payment plan as determined by the Board.

Respondent shall make the check or money order payable to the Board of Behavioral Sciences and shall indicate on the check or money order that it is the cost recovery payment for Case No. 200-2020-001958. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment schedule, Respondent shall be considered to be in violation of probation. A period of non-practice by respondent shall not relieve Respondent of his obligation to reimburse the board for its costs.

Cost recovery must be completed six months prior to the termination of probation. A payment plan authorized by the Board may be extended at the discretion of the Enforcement Manager based on good cause shown by the probationer.

DATE: 09/07/2022

Carmen Snuggs-Spraggins

CARMEN D. SNUGGS-SPRAGGINS

Administrative Law Judge

Office of Administrative Hearings

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
Supervising Deputy Attorney General
3 SHAWN P. COOK
Supervising Deputy Attorney General
4 State Bar No. 117851
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6291
6 Facsimile: (916) 731-2126
E-mail: Shawn.Cook@doj.ca.gov
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 200-2020-001958

13 **IRA ARTHELL NEIGHBORS**

ACCUSATION

14 1122 W. 56th Street
San Bernardino, CA 92407-5346

15 **Licensed Clinical Social Worker License No.**
16 **LCSW 12020**

17 Respondent.

18
19 **PARTIES**

20 1. Steve Sodergren (Complainant) brings this Accusation solely in his official capacity
21 as the Executive Officer of the Board of Behavioral Sciences (Board), Department of Consumer
22 Affairs.

23 2. On or about May 14, 1986, the Board issued Licensed Clinical Social Worker License
24 Number LCSW 12020 to Ira Arthell Neighbors (Respondent). The Licensed Clinical Social
25 Worker License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on January 31, 2022, unless renewed.

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4990.33 of the Code states:

Notwithstanding any other law, except as provided in Section 4990.32, the expiration, cancellation, forfeiture, or suspension of a license, registration, or other authority to practice by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license or registration by a licensee or registrant, of any license or registration within the authority of the board, shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or registrant or to render a decision suspending or revoking the license or registration.

5. Section 4996.11 of the Code states:

The board may suspend or revoke the license of any person who is guilty on the grounds set forth in Section 4992.3. The proceedings for the suspension or revocation of licenses under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted in that chapter.

STATUTORY PROVISIONS

6. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 4992.3 of the Code states, in pertinent part:

The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if the licensee or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter is a conviction within the meaning of this section. The board may order any license or registration

1 suspended or revoked, or may decline to issue a license or registration when the time
2 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or,
3 when an order granting probation is made suspending the imposition of sentence,
4 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing
5 the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside
6 the verdict of guilty, or dismissing the accusation, information, or indictment.

7 ...

8 (c) Administering to himself any controlled substance or using any of the
9 dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or
10 in a manner, as to be dangerous or injurious to the person applying for a registration
11 or license or holding a registration or license under this chapter, or to any other
12 person, or to the public, or, to the extent that the use impairs the ability of the person
13 applying for or holding a registration or license to conduct with safety to the public
14 the practice authorized by the registration or license. The board shall deny an
15 application for a registration or license or revoke the license or registration of any
16 person who uses or offers to use drugs in the course of performing clinical social
17 work. This provision does not apply to any person also licensed as a physician and
18 surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act
19 who lawfully prescribes drugs to a patient under the person's care.

20 REGULATORY PROVISIONS

21 8. California Code of Regulations, title 16, section 1812(a) states:

22 For purposes of denial, suspension, or revocation of a license pursuant to
23 Section 141, Division 1.5 (commencing with Section 475), or Section 4982, Section
24 4989.54, Section 4992.3, or Section 4999.90 of the Code, a crime, professional
25 misconduct, or act shall be considered to be substantially related to the qualifications,
26 functions or duties of a person holding a license under Chapters 13, 13.5, 14, and 16
27 of Division 2 of the Code if to a substantial degree it evidences present or potential
28 unfitness of a person holding a license to perform the functions authorized by the
license in a manner consistent with the public health, safety or welfare. For purposes
of this section, "license" shall mean license or registration.

29 COST RECOVERY

30 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
31 administrative law judge to direct a licensee found to have committed a violation or violations of
32 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
33 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
34 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
35 included in a stipulated settlement.

36 CONTROLLED SUBSTANCE AND DANGEROUS DRUG

37 10. Cannabinoids are a Schedule I controlled substance as designated by Health and
38 Safety Code section 11054 and is categorized as a dangerous drug pursuant to Code section 4022.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(June 17, 2021 Criminal Conviction - DUI on January 27, 2020)**

3 11. Respondent is subject to disciplinary action under Code sections 490 and 4992.3(a),
4 in conjunction with California Code of Regulations, title 16, section 1812(a), in that Respondent
5 was convicted of a crime substantially related to the qualifications, functions, or duties of a
6 licensee. On or about June 17, 2021, in a criminal proceeding entitled *The People of the State of*
7 *California vs. Ira Arthell Neighbors*, in Superior Court of California, County of San Bernardino,
8 Case No. MSB20010874, Respondent was convicted of violating Vehicle Code section 23152(b)
9 (driving under the influence of alcohol/0.08% or more), a misdemeanor. Respondent was
10 sentenced to serve 10 days in jail, placed on probation for three years with terms and conditions,
11 ordered to complete an alcohol education program, and pay fines and fees.

12 12. The circumstances surrounding the conviction are that on or about January 27, 2020,
13 a San Bernardino Police Department officer was dispatched to a traffic collision involving
14 Respondent. Respondent struck a parked vehicle causing minor damage and drove away from the
15 scene. Respondent then collided with another vehicle at a stop light. Upon speaking to
16 Respondent, the officer noticed a strong odor of an alcoholic beverage coming from his person,
17 bloodshot watery eyes, slurred speech, and lethargic. Respondent submitted a blood sample that
18 revealed a blood alcohol concentration of 0.17% and cannabinoids.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Dangerous Use of Drugs and Alcohol)**

21 13. Respondent is subject to disciplinary action under Code section 4992.3(c), on the
22 grounds of unprofessional conduct, in that on or about January 27, 2020, Respondent used a
23 controlled substance, dangerous drug, and alcoholic beverages to the extent, or in a manner, as to
24 be dangerous or injurious to himself, or to any other person, or to the public, as alleged above in
25 paragraph 12.

26 ///

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

1. Revoking or suspending Licensed Clinical Social Worker License Number LCSW 12020, issued to Ira Arthell Neighbors;
2. Ordering Ira Arthell Neighbors to pay the Board of Behavioral Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

Steve Sodergren

LA2021603994
64672638.docx